

OGC 69-1671

28 August 1969

MEMORANDUM FOR THE RECORD

SUBJECT: Executive Order 10988

Having received information that Executive Order 10988 was being revised, I called Mr. Roger Jones, Bureau of the Budget, to find out if there was any question about the exemption in the present Executive Order for intelligence and investigative agencies. He assured me that there was no thought of removing this exemption and that we need not be concerned about the new order.

s/
LAWRENCE R. HOUSTON
General Counsel

cc: Executive Director
DDS
Legislative Counsel
D/Personnel

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4. [] Called Miss Julia Manish, in the Office of General Counsel, BOB, to determine if the Agency's exemption under Executive Order 10988 (employee-management cooperation in the Federal service) was in any way affected by the proposed revisions which we understand are now being coordinated by BOB. She said the Agency's exemption had been retained in the initial drafts of the proposed revision, but deferred to Mr. Roger Jones for a more current reading. [] OGC, who had prompted this call, was informed of the above and the next best step seems to be to request the Director of Personnel through his Civil Service Commission connections to get a reading on the proposed revision to Executive Order 10988.

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5. [] Frank Tsutras, Administrative Assistant to Representative James Kee (D., W.Va.), called about the employment prospects of an upcoming law school graduate who has yet to satisfy his military obligation. I told him that while we are always pleased to look at applications on bright prospects it was not our policy to intervene on draft statuses and that the number of legal-type positions in the Agency are extremely limited. Mr. Tsutras said he expected as much, but wanted to check it out with us directly.

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6. [] Mr. Jack Norpel, on the staff of the Senate Internal Security Subcommittee, called and said the Subcommittee was considering issuing a subpoena on []. He said they would appreciate anything that we might be in the position to give them concerning [] arrival and departure dates. I told Norpel I would talk to our people about this and be back in touch with him if there was anything that we could pass on to the Subcommittee. Later in the day, Norpel called and said a decision had been made to suspend any determination on this issue until the Subcommittee meets after Labor Day and, therefore, to cancel his request.

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7. [] In response to his inquiry, I advised Mr. George Murphy, on the staff of the Joint Committee on Atomic Energy, that his query regarding the classified document alleged to have been received by a West German publication should be directed to the Army.

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Approved For Release 2004/01/12 : CIA-RDP71B00364R000300170014-2

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22 August 1969

MEMORANDUM FOR THE RECORD

SUBJECT: Executive Orders - Processing in Bureau of
the Budget (BOB)

1. I called Miss Julia Manish, in the office of General Counsel, Bureau of the Budget, who informed me that Mr. John M. Maury is listed as the CIA contact for BOB in the clearance of proposed executive orders and amendments thereto.

2. Miss Manish explained that in the coordination of proposed executive orders it is BOB's responsibility to contact effected executive agencies. She admitted that sometimes BOB fails to do this and they are contacted by an interested executive agency which learned of a proposed executive order through other channels. In light of this remark I asked her for her general reaction if the Agency requested BOB to furnish copies of all proposed executive orders, which would be the only way we could be assured of participating in the first instance in determining the effect of a proposed executive order on the Agency. She said they do not do this with any other executive agency and she would advise against it as a useless exercise, but that she would have to defer to the General Counsel, BOB, if in fact we pursued such a request, which I assured her we were not doing and that the question was merely hypothetical.

3. Miss Manish said approximately 60 executive orders a year are issued, not counting a number of proposals not approved. She agreed that the Agency's views on proposed executive orders is sought infrequently but felt that they were aware of our primary areas of interest. She agreed that in any instance where the Agency has an exemption from an executive order that exemption should not be impaired through amendments without BOB's soliciting the Agency's views.

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4. In view of the above and based upon Agency experience, it appears that there would be little justification for requesting for the Agency an opportunity to review all proposed executive orders.

5. While the existing procedures do not offer 100 per cent assurance that the Agency will see proposed executive orders which may effect the Agency adversely, the chance of our being inadvertently overlooked by BOB appears to be minimal and remedial action after the fact is surely not as difficult in the case of executive orders as it is in the case of legislation.


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Assistant Legislative Counsel

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